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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,821	06/01/2001	Clifton T. Jones	053403-272573 LB-018	3373
7590 11/16/2004			EXAMINER	
Pillsbury Winthrop LLP Intellectual Property Group 50 Fremont Street San Francisco, CA 94105			PATEL, JAY P	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/872,821		JONES, CLIFTON T.	
	Examiner		Art Unit	
	Jay P. Patel		2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-19 and 21-31 is/are rejected.
- 7) ☒ Claim(s) 3 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/1/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Specification***

1. The specification is objected to due to the following:

The specification does not contain the background and the summary of the invention sections. The contents of the specification should be arranged according to the following format.

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.
- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:

- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

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- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4, 7-19, 21, 24-31 are rejected under 35 U.S.C. 102(e) as being unpatentable over Elzur (U.S. Patent 6427169 B1).

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4. In regards to claims 1, 2 and 18 the reference discloses a receiver parser within a network controller that discloses all the limitations of the above-mentioned claims. Figure 9 of the reference is a flow diagram showing the parsing operations of the receive parser. In block 206, the IP information is parsed and if the protocol is recognized, the network additionally parses the protocol header at block 212. The reference therefore, anticipates the limitation of executing an initial parse and determining and selectively executing additional parsing claimed in claims 1, 2 and 18.

5. Regarding claims 4 and 21, figure 9 further shows loop back arrows that allow the process to start over if at any instant the network fails to recognize the packet's components. In column 3 lines 57-60 the reference discloses that one of the functions of the network controller is to parse the incoming packet headers to obtain characteristics of the packet. This anticipates the applicant's claim of obtaining the packet's basic structure in claims 4 and 21.

6. Regarding claims 7, 8, 24 and 25, as mentioned above, the header portion of the packet is only parsed if the protocol is recognized by block 208; therefore, the additional parsing is requested only if the protocol is recognized. Since, the embodiment disclosed by the reference is included in a computer system, it is inherent that a computer-readable medium encoded with data and computer executable instructions is part of the system.

7. Regarding claims 9 and 26, the reference discloses a computer system that includes a network controller and a processor; where the network controller is adapted to perform the functions typically implemented by a processor (column

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3, lines 46 through 60, column 5 lines 6 through 19 and figures 4 and 5). Since the receiver parser disclosed in figure 9 of the reference includes a block 206 for parsing IP information and a block 212 for parsing the protocol header, the reference anticipates all the limitations of claim 9 and 26. The request processor is anticipated by the network controller that includes the receive parser.

8. In regards to claims 10 and 27 all the limitations disclosed by the reference pertaining to claims 4 and 21 are also applied to claims 10 and 27.

9. In regards to claims 11, 12, 28 and 29, all the limitations of the reference pertaining to claims 7 and 8 are also applied to these claims.

10. Regarding claims 13 and 30, in the transmitting section of the network controller, the references discloses a parallel-to-serial conversion circuit that retrieves packets from the memory module that are ready for transmission and serializes for transmission (column 7 lines 61 through 64). The parallel-to-serial converter anticipates that applicant's claim of an assembler claimed in claims 13 and 30.

11. With regards to claim 14 and 31 the network controller performs the functions that are implemented by a processor in accordance to the protocol stacks specified by the software layers (column 3 lines 46 through 60).

12. In regards to claims 15, 16 and 17, the reference discloses that the network controller performs functions that execute software layers of a network protocol stack (column 3 lines 51 through 57).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 5, 6, 22, 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Elzur as applied to claims 1 and 18 above, and further in view of Ong et al. (U. S. Patent 6795430 B1).

15. In regards to claims 5 and 22, Elzur teaches all the limitations of claims 1 and 18 as stated above. Elzur fails to teach however, the transmission of **data packets in accordance with Session Initiation Protocol**. Ong discloses a protocol to establish voice signaling. Ong discloses a SIP gateway to provide session initiation to handle messages corresponding to a voice system (column 4 lines 7 through 13 and 14 through 22). It would be obvious to one skilled in the art that a modification of Elzur's invention can be made to accommodate the a signaling procedure which uses session initiation protocol (SIP). The proper motivation comes from the background section of Ong's patent where he states "Current VoIP systems have very limited service capabilities and services are limited to basic call on any calls that cross multiple call servers" (column 1 lines 12 through 15). He further states, "Therefore, there is a need to have a technique that provides fast implementation of services and does not require significant development efforts" (column 1 lines 31 through 33).

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16. In regards to claims 6 and 23, Elzur teaches all the limitations of claims 1 and 18 as stated above. Elzur fails to teach however, **examining a start line of said data packet**. Ong discloses a transmission process to provide VoIP transmission (column 4 lines 19 through 38). Upon starting the process a service message is created to encapsulate the message and at the receiving end, the service message is extracted. It would be obvious to one skilled in the art that if a similar service message were embedded into Elzur's invention, then the parsing operation would include examining the start line. The proper motivation comes from the background section of Ong's patent where he states that an option is "to add Integrated Service Digital Network User Park (ISUP) signaling encapsulation in SIP. However this approach only addresses carrier voice services and does not address enterprise voice services because ISUP is not significantly used within enterprise networks" (column 1 lines 25 through 26). He further states, "Therefore, there is a need to have a technique that provides fast implementation of services and does not require significant development efforts" (column 1 lines 31 through 33).

Allowable Subject Matter

17. Claims 3 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18. The following is a statement of reasons for the indication of allowable subject matter:

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In regards to claims 3 and 20, prior art of record discloses a zero copy parser that copies the data portion of a packet into the buffer (column 6 lines 41 through 44). However, the reference fails to disclose the limitation of **identifying unparsed components of the said data packet; re-encoding parsed components of said data packet; and reassembling said data packet using results of said identifying and said re-encoding** in combination with the other limitations of the above-mentioned claims. Therefore, the reference fails to disclose or render obvious the above underlined limitation as claimed.

19. References not used in the office action but considered pertinent to the art are the following:

- a. U.S. Patent 6798768 B1 (Multimedia Call Routing in an IP Network): Gallick, Robert Lawrence et al.
- b. U.S. Patent 6711181 B1 (System and Method for Packet Parsing and Data Reconstruction in An IEEE 1394-1995 Serial Bus Network): Xue, Xin et al.
- c. U.S. Patent 6480489 B1 (Method and Apparatus for Data Re-Assembly with High Performance Network Interface): Muller, Shimon et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay P. Patel whose telephone number is (571) 272-3086. The examiner can normally be reached on M-F 9:00 am - 5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Jay P. Patel
Examiner
Art Unit 2666